IT IS AMENDED AGAIN

PRESIDENTS WORK ANOTHER DAY ON THEIR TRAFFIC AGREEMENT.

They Make Further Changes and May Adopt the Compact at Their Next Meeting-Other Railway News.

The board of presidents of the Trunk Line Association met in New York yesterday to further consider the plan for a general traffic agreement, which was submitted last month. At the close of the meeting the following statement was given: "The proposed traffic agreement, as revised and amended by the committee of ten appointed Sept. 20, was considered in detail by the presidents to-day and further amended by them. It was thereupon referred back to the committee of ten for a final revision and rearrangement of articles and sections, and will be finally considered by the presidents at a further meeting to be hereafter appointed." The next meeting will probably be about Oct. 30. Further information was refused, except the admission that an agreement had been practically reached, and that it was expected that the agreement would be approved at the next meeting.

Spotters Unsatisfactory Detectives. In a party of railroad men, yesterday, the subject of spotters came up for discussion, and the general sentiment of the half dozen present was that it was unfortunate for railroads and for the passenger conductors that there were no better methods than that of employing a spotter to ferret out dishonest conductors, if there were any on their respective lines. Said an official: "I have a very poor opinion of this method of pursuing passenger conductors, as I know many of the perplexities they have, and how easy it is for a spotter to make a mountain of a mole hill and make it appear that a conductor was dishonest, when there was not the least ground for it." Said one of the conductors: "I know the conductors' sentiments pretty well, and I know that every one of them on our lines would be greatly pleased were the railroad companies to hit upon some plan that under no circumstances would there be one dollar of money handled on his train running from one terminal to another; the more restricted the manner in take cash for fares the better would they, a class, be pleased." Another conductor of a spotter would be a man he would not lend 10 cents, expecting it to be returned. He cited cases where spotters were shown to be men of the worst reputation, but he said that what every conductor he knew wasted was a plan by which they could only run the trains and take up the tickets. far as the spotter is concerned, he is ally a would-be detective, who, having other means of making a living, hires elf to the railroads to follow up and hem in some fault or delinquency, when hey turn in an unfavorable report, which enerally ends in the conductor receiving a ue envelope, the meaning of which he is ot slow to comprehend. It is not at all aging to old and honest conductors o are endeavoring to perform their duies honestly and conscientiously to know hat the company suspects them of being ascals, and has hired a man without any mendations as to his truth and int informed railway men will admit that h a policy is not at all conducive to the tivation of that feeling of confidence which ought to exist between a railway company and the employes who hold the nost responsible positions. It is claimed that the company does not instruct the spotters to follow up all conductors, but that they are simply hired to watch men whose accounts do not indicate that all cash fares are turned in. This may all be th, but the conductors declare hat the cash fares never maintain a relaproportion from week to week or he track of a man whose returns to the ticket receiver do not tally all the time is equivalent to an open accessation of rascality on the slimmest kind of circumstantial evidence.

Effect of the Rise in Silver. A dispatch from New York says: The upward tendency of the market for silver is attracting close strention both here and in urope. The headquarters of the speculaion in silver is in London, but its price ong other influences has a distinct bearing on the securities of several of this country's railway systems as well as the Mex-

ican lines. The rise in silver, if continued ald affect the last-mentioned properties in three separate ways. First, in their as earnings, as the predominant industry Mexico is the mining of silver, which has been continued despite the fall in its , and would naturally be stimulated increase in its value. This would of sean an increase in the earnings o ads which traverse the mining disriot. Secondly, the roads would be benc-ited by a reduction in their operating ex-censes, about one-third of which are paid a gold. Thirdly, a higher price for silver r fixed charges, which are payable in As an illustration, it has been carevestimated that if the Mexican Cenreceived the same price in 1894 for that obtained in 1892, instead of of \$750,000 for 1894, as actually shown, oad could have earned a substantia us above fixed charges. Also that the can National, with the same rate of ange as existed in 1890, would have arned in 1894 full interest on both prior len and A bonds. In the United States in

the management. It was simply a case of lost earning power, due so the fact that the sustaining industry of the regions through which a large portion of the road traversed had been paralyzed. Annual Report of St. L., A. & T. H. Vice President Parker, of the St. Louis, Afton & Terre Haute, has sent out in pamphlet form the report for the year ending June 30, which contains some very inter-esting items. The statement of earnings, which showed a surplus from operation of the B. & O., is influenced in favor of the 202,187, was given some time since. The surplus from operations was increased by interest \$1,860 and by dividends \$5,000, making the total surplus \$209,057. Disbursements were: Interest on funded debt for a portion of the year, \$73,645; interest on preferred stock to date of cancellation, \$37,682; equipments and betterments, \$96,119; total, \$207,448, leaving a surplus of \$1,609.

The report lays stress upon the liquidation of the \$6,700,000 of bonds, the retire-

ment of \$1,170,800 of cumulative 7 per cent.

preferred stock and the purchase of \$1,278,
519 of dividend bonds. The company starts

off with no floating debt and with greatly

reduced fixed charges.

Of the \$2,500,000 bonds issued, \$2,275,000 have n sold, leaving \$225,000 in the treasury,

The earnings per mile were \$5,648, a decrease of \$146; net earnings per mile were \$2,374, an increase of \$164. The revenue per passenger per mile was 2.33. The freight rate per ton per mile was .978, a decrease of .046. Pasengers carried decreased 41,092, and the reight tons carried decreased 16,025. There



are 239 miles of main line in the system and 198 miles of this are operated and practically owned by the Big Four, that company guaranteeing \$10,000,000 of 4 per cent. one-hundred-year gold bonds.

Receiverships and Forcelosures. In its Issue of to-day the Railway Age has an article on railroad receiverships and foreclosures for the three months from July 1 to Oct. 1 of the present year. Only five roads were placed in the hands of receivers in that time, the aggregate length of which is 687 miles and the capitalization \$23,438,000. For the first nine months of the current year sixteen roads have gone into the hands of receivers, the aggregate length of which is \$,096 miles; the funded debt is \$86,939,000, the capital stock \$86,122,000, making the total capitalization \$173,061,000. This is only about half as large as that for the first nine months of 1894 when thirty-two roads, with 6,254 miles and \$361,656,000 of capital, had been turned over to receivers. The outlook now is that the receiverships 1895 will prove to represent a smaller number of roads than in any year since 1887, when the list included only nine companies, operating 1,047 miles and involving \$9,081,000 of securities. During the past three months sixteen roads, with 1,662 miles of line, have been sold under foreclosure. In the past nine months the number of foreclosure sales has been thirty-six, repre-senting 4,058 miles of road and \$193,764,000

Proposed Passenger Pool. The Chicago-St. Paul lines will have a meeting in Chicago to-day, at which an attempt will be made to form a passenger pool. Should it fail, tariff rates will be cut to \$6 from \$11.50. The business is in poor condition at present, both north and south-bound, and while \$11.50 is the tariff rate, the bulk of the business is being done at \$6 and \$7 a passenger. The proposed pool, if organized, will be a physical one and will cover both first and second-class business. Fixed percentages will be allowed each of the roads, second class being used to even up, because first-class business is not easily divertible.

Another Cut in Rates.

Freight rates to Colorado common points took another tumble yesterday. The Burlington road issued a tariff making a thirtyfive-cent rate for fifth class, 401/2 cents for Classes A and B, and 38 cents for Classes D and E. The same road announced a thirty-three-cent rate for all the classes named from St. Louis and a twenty-three-cent rate from Kansas City. The reason assigned for putting in these rates was that the Union Pacific and the Wabash roads had taken similar action. These rates will go into effect Oct. 13.

Personal, Local and General Notes. The Pennsylvania is about completing a arge transfer house at Toledo, O. The New York, New Haven & Hartford will electrically equip its-Stamford & New On Tuesday the Vandalia carried into St

Louis 1,360 people to witness the Veiled Prophets' carnival. An order has been issued on the Lacka-wanna road forbidding train employes playing cards when on duty.

The Big Four will on Sunday next run heap excursions to Indianapolis from Union City and Lafayette. The Pennsylvania superintendents of motive power and master mechanics were in on yesterday at Pittsburg

The Union Railway Company had a special meeting yesterday to arrange for paying its taxes, which exceed \$100,000. The Pittsburg locomotive works will this week deliver three new engines to the Lake Shore road on its contract to build

Denials of the most positive character are given by officials of Northwestern es to reports of a car famine in that The Pennsylvania has decided to make no

reduction in passenger fares on the New York division to meet the competition of The Vandalia has received two more of the new passenger locomotives which the Schenectady locomotive works have just

W. K. Vanderbilt, Dr. S. W. Webb and other officials of the Vanderbilt lines are on a Western trip. On Wednesday they inspected the Pittsburg & Lake Erie. If the Monon people carry out their plans they will, on the first of next month, have one of the fastest trains running between Chicago and Southern points yet sched-

The Lake Shore is shipping thirty car-loads of grapes per day from the Chautau-qua district. The Big Four gets twelve to fifteen carloads of this fruit to handle

R. B. F. Peirce, receiver; General Super-intendent Mills, of the Toledo, St. Louis & Kansas City, and other subordinate officials have this week been inspecting the

Frankfort, Ind., is becoming one of the busiest railroad points in the State. Four roads pass through the city, and the interchange of traffic between them is yearly

An impression prevails that the Lehigh Valley road is under control of new par-ties, and, it is said, the resignation of Wilbur at any time will not

The Pullamn car works are building 500 coal cars for the Pennsylvania Company, the car works at Buffalo 500, and the Ohio Falls works at Jeffersonville 250 box cars

The Pittsburg, Fort Wayne & Chicago is making extensive improvements at Crest-line and has a large force of men at work there enlarging the yard room, moving coaling docks, etc.

The Pittsburg, Fort Wayne & Chicago ple are much pleased with the performance of their new ten-wheel passen-ger engines, they hauling with ease twelve to fourteen cars over the road.

There has been a handsome increase in business with the Lake Erie & Western since the first of the month, and now the uestion with Traffic Manager Parker is how to furnish cars to meet the demand. The Big Four will next Sunday run would be favorably affected by further appreciation in price of the white metal and more particularly the people who are interested in the rehabilitation of the Union Pacific system. It will be remembered that after the Baring crisis in 1890, the Union Pacific difficulties were adjusted under the administration of J. Pierpont Morgan by the issue of a large collateral trust. For three years following that time until the silver crisis in 1893 the property reflected steadily improving conditions, with the result that the securities advanced so that a large amount of the collateral trust notes were retired. When the silver collapse occurred the road went into the hands of recheap excursion to Cincinnati from Terre Haute. The tickets will be good on trains going Saturday afternoon and Sunday

The Chesapeake & Ohio has sent G. J.

urred the road went into the hands of re-eivers, although no charges of irregular-ties or incompetence were brought against Clark to London, Canada, to look after the emigrant business and land sales. The C. & O. rianagement is looking closely after this an of inducing emigrants to settle on its pennies. Judge Bacon, of the Chicago & Rock Island; Gunnip and Rusche, of the Santa Fe; Welles, of the Chesapeake & Ohio, and Minor, of the Mexican Central, representng passenger interests of these lines, are

The large increase in mail service on the Baltimore & Ohio lines of late is exciting

The Monon is shaping matters to begin perations in its new shops at Lafayette. Charles Collier, master car builder, who is to take charge of the shops, on Wednesday moved to Lafayette. His place in the old shops at New Albany will be filled by pro-

E. B. Taylor, general superintendent of skillful wrestler whose catch-as-catch-can transportation of the Pennsylvania lines powers are on a par with his own. Comwest of Pittsburg, was in the city yester-day and represented the company at the Union railway meeting. General Manager Woods not having returned from his hunt-lit will be a hard battle for him.

On the Pennsylvania lines all old bridges are carefully stored away and a report of heir condition and dimensions is filed in the engineer's office and when a bridge for an overhead highway crossing is needed these condemned structures often come in good use, being much stronger than any wooden structure which would be con-

structed. Henry Post, of Fort Scott, Mo., traffic manager of the Missouri Pacific railway system, and Miss Isabella Decker, of Philalphia, daughter of Hon. Jacob B. Decker, were married last evening at Lyons, N Y. The ceremony was performed by Dr. L. A. Ostrander, of the Presbyterian Church, at the residence of Col. Wm. Kreutzer, uncle of the bride.

sition to make reduced rates for the Christmas and New Year's helidays. It is proposed to made a round trip rate of a fare and a third between all points within two hundred miles of each other where the rate is 3 cents a mile and a round trip rate of a fare and a fifth where the fare is

more than 4 cents per mile. Expert track men who have recently rode over the Indianapolis division of the Monon state that it is one of the best tracks in the West. In a few days every mile be-tween Indianapolis and Chicago will be laid with heavy steel rail. On the Indian-apolis division every frog and switch has been renewed with the most approved pat-terns of railway supplies. The road has

een heavily crosstled and considerable ballasting done and with all new bridges it is safe to run any desired speed over

the L., N. A. & C. tracks. The management of the Monterey & Mexican Gulf railroad has been changed. Mr. Monnon, representative of the Belgian syndicate, is made general manager and William McKenzie, traffic manager and general superintendent. L. C. Cannon is sperintendent of buildings and bridges, and F. H. Bolton auditor.

L. H. Parker, superintendent of the Monon, and Chief Engineer Hall were in the city yesterday. Mr. Hall made arrangements to commence work at once on the outer yards and the new round-house, and all tenants of the buildings recently purchased east of New Jersey street, where the new freight depot is to be built, have been notified to vacate. The Brooks locomotive works have in the

the last three years. The relations between the Queen & Crescent and the Southern railway are now such that it is likely to largely increase the business of the former, opening new territory to the Queen & Crescent. The recent visit of Vice President Finley, of the Southern railway, to Cincinnati, is already showing good results and has gone far to remove the impression that the relations between the two systems were not lations between the two systems were not

The earnings of the Big Four for the first quarter of its fiscal year, ending with 30, were \$3,720,891, an increase over the earnings of the corresponding three months of 1894 of \$377,578. The Louisville, New Albany & Chicago earned in the first quarter of its fiscal year \$894,681, an increase this year of \$124,112. It is stated that there is not a road in the country of the same mileage which can show as handsome an increase as does the Monon.

The surgeons on the Big Four held their annual meeting yesterday at the Denison House. Most of the day was occupied in reading papers and discussion of surgery in its different phases, and what could be done to improve the service for the best interests of the company and the employes who required their services. There were forty of the surgeons in attendance. Dr. Weaver, of Dayton, was elected president, and Dr. Kelley, of Shelbyville, secretary for the coming year.

A court at Baltimore has decided that the purchaser of a seat in a sleeping car has a legal right to transfer it to whomever he pleases, and on the strength of this ruling a jury gave a verdict for one cent damages against the Pullman com-pany. The occupant of a section, after leaving the car before its destination was reached, gave the Pullman check to the plaintiff with permission to occupy the seats, but the conductor resold the space.

As the plaintiff paid nothing for the acamodations and suffered nothing at the hands of the sleeping car company, the jury evidently considered his claim for lamages untenable, though the verdict laid down a principle of much importance, if it is sustained by higher authority. The final decision will probably hinge on the question of contract between the sellers and the buyers of sleeping car accommo-

NEW WOMAN TRAMP.

Two of Them Reach the City-Very Different from the Male Wanderer.

Ella and Ida Nelson, two pretty and attractive young women of nineteen and twenty-one years, arrived in the city yesterady on their way to Atlanta, Ga., and Jacksonville, Fla., under peculiar conditions. They are from Chicago and are to make the trip without paying a cent for railroad fare or board, and are to have \$500 by the time they reach their destination. They left the office of the Chicago Dispatch yesterday morning, with only \$2 each, and if they succeed in their deter-Dispatch are to give them a check for another \$500. The young women arrived in this city yesterday morning, and will remain here until Sunday morning, when they will leave for Cincinnati. To-day and to-morrow they will be employed at the When as clerks. They are selling pictures of themselves, and do anything honorable which will earn them a little money After they left Chicago, they walked a few miles, then rode a few miles in a milk wagon, and a short distance on a garbage wagon, and from Hammond, road fare to this city was paid by a Ham-mond newspaper man. They will visit the exposition at Atlanta, and will then resume their journey to Jacksonville.

SAID HE WAS A MURDERER

Dick" Muntz's Peculiar Imagination

Richard Muntz went to police headquarters last night and announced that he had shot and killed Eugene Curran, a saloon keeper at 364 Virginia avenue, and that he wanted to be locked up. Sergeant Corrigan was immediately sent out to investigate the case and found Curran in perfect health. Muntz has been drinking heavily for some time, and his story of the shooting was a creation of a disordered brain. This is the second time he has circulated the re-port that he had killed Curran, having alarmed the South Side about six months ago on a similar confession. He was locked at the station on a charge of drunken-

BRIGHTWOOD ELECTRIC LIGHT.

Town Board Receives a Proposition from Dr. Johnson-Other Matters. At the last meeting of the Brightwood town board, Dr. Johnson, the president of the board, made a proposition that he would furnish an electric light plant and lights if the town would furnish the power. The matter is to be settled at a special meeting of the board next Monday night. The board appointed Town Marshal Fred Miller as water works inspector against his wishes, as there is no recompense for the work. The board feels that the marshal is under its orders, but the marshal declines to do the extra work without an in-crease in salary. The matter was deferred until the next meeting.

Thieves in the Suburb. Thieves entered the store of Dr. Johnson in Brightwood Wednesday night and carried away about 150 knives and razors, valued at \$75. They also went through the postoffice, which is in the rear of Johnson's store, but found nothing but fifty

Brightwood Y. M. C. A. The new home of the Brightwood Railroad Y. M. C. A. will be ready for use today, although it will not be formally opened until later in the month. There are well-equipped sleeping apartments, dining room, reading, lecture and committee rooms, and everything needed to make the nome attractive.

McLeod-Comstock Match To-Night. The interest is growing in sporting circles in the McLeod-Comstock match at English's Opera House to-night. The Californian has never wrestled here unless handicapped. His match with Wittmar was a mixed one. To-night, however, he will find himself opposed by a strong, skillful wrestler whose catch-as-catch-can Last spring Comstock posted \$50 with the Cincinnati Enquirer to wrestle McLeod in that city, but the latter's backer; C. J. Blake, offered to bet \$5,000 to \$3,000 on the Californian, and scared Comstock's backer out of putting up the rest of his side bet, so that the big fellow, who had no more money of his own, was compelled to forfett the \$50. To-night's match will begin at 8:30. A referee is to be chosen this

morning. Mr. French's Art Talk To-Night. At Plymouth Church, this evening, Prof. William R. French, director of the Chicago Art Institute, will give the third of his art lectures. Mr. French illustrates his remarks, sketching as he talks. After the lectures stereopticon views of famous paintings and work of sculpture will be shown. The lectures are popular and are having good audiences. They are under the auspices of the local University Extension Center.

Found to Be in Good Condition.

State Building and Loan Association has been completed by George U.

THE NICHOLSON LAW

JUDGE STUBBS PASSES ON AN IM-PORTANT FEATURE.

Section Prohibiting Others than the Owner in a Saloon at Illegal Hours Unconstitutional.

Judge Stubbs yesterday delivered his ruling in the case of the State vs. Fred Brandt, who was arrested on the charge of violating the Nicholson law by allowing the Mexican Central. They are of the ten-wheel type, have twenty by twenty-four inch cylinders, and are constructed for either passenger or freight service. The number of locomotives passing over the Belt road of late is evidence that the locomotive persons other than his family to remain works are now the busiest at any time in pushed by Capt. J. L. Bieler, agent here for the Anheuser-Busch brewery. The court holds that June was not illegally in the room. The opinion on the motion to quash is as follows:

"Information was filed in this court against the defendant charging him with violating the act of the last General Assembly commonly known as the Nicholson law, the charge being that he permitted certain persons not members of his family to enter and remain in his saloon between the hours of 11 o'clock p. m. and 5 o'clock a. m., in violation of Section three

(3) of said act.

"Counsel for the defendant have filed a motion to quash the information upon the ground that it does not state a public offense, and have raised two questions: (1) That the act is prospective and not retroactive, and (2) that Section 3 of the act is repugnant to Article 4, Section 19, of the Constitution of the State of Indiana.

"So far as the first point is concerned, I do not think it tenable. It may be conceded that the general rule for the interpretation of statutes requires that every staute must be construed as prospective, except (1) where the legislative intent that it shall act retroactively is expressly deit shall act retroactively is expressly de-clared, or (2) where the statute would be wholly inoperative unless construed as retroactive. Section 10 of the Nicholson law provides that all the provisions of the act shall apply to persons, places and sales of liquors, whether conducted under the law of the State of Indiana or by virtue of any law of the United States, evidently meaning that it should be construed with the laws then in existence concerning the sale

of intoxicating liquors.

"The second point in the motion to quash raises a more serious question. The constitutional provision is (Article 4, Section 19): 'Every act shall embrace but one subject and matters and matters. ject, and matters properly connected there-with, which subject shall be expressed in the title. But if any subject shall be empressed in the tftle such act shall be void only as to so much thereof as shall not be expressed in the title." "Omitting the specific matters as to remonstrance and conferring jurisdiction on

police and justice of the peace courts, the title of the Nicholson law is as follows: 'An act to better regulate the sale of intoxicating, spiritous, vinous and malt liq-ours, providing penalties for violation of the same, providing for the enforcement

"In the case of the State vs. Young, 47 Ind., 150, an act entitled 'An act to regulate the sale of intoxicating liquors, to pro-vide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency,' was held by our Supreme Court not to embrace within its subject, or as a matter properly con-nected therewith, the offense of intoxication created by the ninth section of the act, by which section it was made unlawful for any person to get intoxicated. Says

"The question arises whether the ter embraced in the section of the statute quoted (Section 9) is expressed in the title of the act or is properly connected with the subject expressed. This leads to the inquiry, what is the subject expressed in the title? It is quite clear that the sub-ject is the sale of intoxicating liquors. If the act bore a more general title indicating that the subject was intoxicating liquors in the abstract such as 'An act concerning perceived why legislation inhibiting the excessive use of them might not be within the title. But it is impossible to deduce from the title the general subject of intoxicating liquors. It is clear, a matter not expressed in the title. Suppose that there was no other provision in the act than that contained in the ninth section (making intoxication an offense), we should have then an enactment making it

an offense to be found intoxicated under a

title specifying as the subject thereof the sale of intoxicating liquors. If the section could not thus stand alone, under the title, it must fall, for it derives no support from the other enactments. They cannot bring it within the title of the act. "The subject of the Nicholson act, as exssed in the title, is the sale of intoxicating liquors, and it is difficult to see how the permission of others to go into the where liquors are sold can be construed as being within the title of the act. "To use the same illustration employed in State vs. Young, we will suppose that there was no other provision in the Nicholson law than the one making it unlawful for persons to go into a room where liquors are sold during the days and hours when sales are prohibited by law. We should then have an enactment making it an offense to go into a room at certain times. under a title specifying as the subject the sale of intoxicating liquors. If, as said in State vs. Young, supra, the Legislature cannot, under a title professedly on the subject of the sale of intoxicating liquors

without reference to any sale, simple drunkenness a crime, then it ifficult to see how, under a similar title, the Legislature can make the mere going into a room without reference to any sale "In the case of Sheffy vs. the Town of Ionroe City, 135 Ind., 468, which was one of the 'screen cases,' the court says:
"'The power which the appellee could have exercised was to regulate the sale. The ordinance clearly creates an offense and prescribes a penalty, which may be complete if no sales of liquor are made or

'For reasons above stated the motion of the defendant to quash the affidavit must be sustained." The State gave notice that an appeal would be taken. The effect of the decision is to allow the restaurant and saloon business to be conducted in the same room.

TERM OF TRUSTEES.

They Should Have Taken Office as Soon as Elected Last November.

In an opinion written and handed down yesterday by Judge Howard, of the Supreme Court, the time when township trustees-elect may take possession of office is finally settled. The case reviewed by the Supreme Court is that of Daniel E. Wilson, on relation of the State of Indiana against James M. Wells, The case was appealed from Grant county. In its opinion the court holds that trustees elected in November, 1894, were entitled to take office at once. This decision is contrary to an opinion given by prominent attorneys in this city, who held that trustees who were elected

last fall had to wait until August of this At the township election in 1890 James M. Wells was elected trustee of Center township, Grant county. At the general election held in 1894 Daniel Wilson was elected as his successor. Wilson qualified Nov. 14, 1894, and made a demand for the office. He was refused by Wells, who claimed that he was entitled to the office until the first Monday in August, 1895. Wilson brought an action by way of informa-tion for possession. The lower court sus-tained a demurrer filed by Wells, and the case was appealed. In the decision yester-day the Supreme Court reversed the lower

A trustee elected in April, 1890, may serve for a term of four years, and no more, the court says. His term would begin on the first Monday in August, 1899, and end on the day before the first Monday in August, 1894. After the first Monday in August, 1894, there was a vacancy, which should have been filled by the vote of the people. In the event that no election was held, the old trustee would be entitled to hold over until the next November election. The court thinks that the statute does not provide directly or by implication that trustees elected at the general election in November, 1894, should take their office only on the first Monday in August, 1895.

THE LAW IS VALID.

General Term of the Superior Court Properly Abolished.

The action of the last Legislature in abolishing the general term of the Marion Superior Court was yesterday declared valid by the Supreme Court.' Judge Monks wrote the opinion, the validity of the legislative action having been raised by the case of the Citizens' street-railroad against Ida Haugh. It having been maintained that the act amended is not identified as required President McBride, of the American Feder-

by the Constitution, the court contends that it has been uniformly held that in the amendment of a section or revision of an act there are two things required. First, the title of the act to be amended shall be the title of the act to be amended shall be referred to by setting it out; second, the act revised or section amended shall be set forth and published at full length. Although the court admits that no such act as that sought to be amended was passed by the Legislature of 1891, it takes judicial notice that the Legislature of 1881 passed an act with this title. This was the only act with such a title in force when the act in question was passed. The court holds that the act fully conforms with Sections 19, 20 and 21, of Article 4, of the Constitution, and is clearly valid. and is clearly valid.

CANNOT RECEIVE FEES.

Ex-Auditor of Huntington County Must Reimburse the People. The Supreme Court yesterday reversed the lower court in the case of Huntington county against Israel H. Heaston, a former county auditor. Heaston, before his retirement from office, had been allowed about 7,000 in fees by the County Commissioners. When suit was brought to recover this amount it was contended that the commissioners, in allowing Heaston's claims, acted judicially and as a court. The Supreme Court says that the Board of Commissioners could not act as a court, but simply allowed these fees as the agents of the county and that in so doing the members of the board had exceeded their authority.

Mrs. Lawson Wants to Be Free. America M. Lawson yesterday brought suit in the Superior Court for divorce from Arthur Lawson. She alleges that she ran away from home against her parents' consent to marry Lawson, being then less than eighteen years old and incapable of marrying without their consent. She charges that since the day of their marriage at Noblesville, her husband has neglected her and has abused her. He has, she charges, openly boasted of infidelity and has made life a burden eo her.

Against the Ainsworth Claim. The Court of Claims yesterday decided against the claim of Frank B. Ainsworth for \$1,300. Ainsworth bought some property for the Reform School for Boys while acting as superintendent, but the court found that he had no authority to make the purchase. It was also set up by the State that Ainsworth had signed a receipt in full some years ago when he accepted an appropriation made by the State for

Trial of Schuyler Haughey. District Attorney Burke returned to the city yesterday from Evansville. He says Schuyler Haughey will be tried and that the

Minor Court Items. Rachel J. Dooley resterday filed a petition in the Circuit Court to have James M. Dooley declared of unsound mind. Harry Ullery, aged five years, was yesterday legally adopted by James W. Norton and wife, with the consent of the boy's

THE COURT RECORD.

Supreme Court.

17660. Street Railway Company vs. Haugh. Marion S. C. Affirmed. Monks, J.—l. The act of the General Assembly of 1895 abolishing appeals from the special to the general term of the Superior Court is unconstitutional. 2. Superior Courts are created by statute and not by the Constitution.

17199. Commissioners vs. Heaton. Huntington C. C. Reversed. Jordan, J.—1. The allowange of a claim by a board of commissioners is not conclusive, but only prima facie evidence of its correctness, and not in effect res adjudicata. 2. The board of county commissioners cannot bind the county by allowing and ordering a claim to be paid not legally chargeable to it or the allowance of which is pronibited by statute, nor can they make an allowance under the guise of making the same for services voluntarily rendered or things voluntarily furnished. 3. If a County Auditor has received and has the money that in equity and good consci ought not to retain the same, and which ex reque et bone belongs to the county, an action for its recovery will be in favor

of the latter. a person disaffirms his note or bond the of the mortgage must ined to the real estate mortgaged. 2. The facts stated in the answer must be sufficient to bar the whole cause of action if it is pleaded in bar of the whole. 3. If the facts stated in a complaint are sufficien to entitle the plaintiff to any relief it will withstand a demurrer.

17225. Lee vs. Mozings. Hamilton C. C. Appeal dismissed. 1. Leave will not be granted to annul an assignment of errors inless it appears that due care and diligence were exercised in the first instance o make the assignment complete. 2. A failure to make all persons against whom udgment is rendered parties to the appeal is a failure to place the case within the

1741. Plaffenback vs. L. S. & M. Railway Company. St. Joseph C. C. Affirmed. Hackney, J.-1. Where the avernents in the complaint are affirmative alegations the law imposes upon the plaintiff the necessity of proving them by the preponderance, and the jury in deciding the preponderance should take into consideration the opportunities of the several witnesses for knowing the things about which they testify, their conduct, interes in the suit, the probability or imp ity of their statements. 2. In order to entitle the plaintiff to recover for injuries received while riding on a railway must appear by a preponderance that he was a passenger and not a trespasser. 17825. State ex rel. Wilson vs. Wells. Grant C. C. Reversed. Howard, C. J.— 1. All county trustees who were elected at the November election of 1894 were entitled to the office immediately after said election, having first qualified and given bond. 2. The term of an office is a definite be elected to fill such office. 17458. Beatty vs. Coble. Motion to dismiss deferred. 17633. Conrad vs. The State. Boone C. C. Certiorari awarded.

Appellate Court. Malott. Lawrence C. C. Affirmed. Reinhard, C. J.—Unless the facts specifically stated show contributory negligence the general averment will prevail.

1893. Johnson vs. The State. Jay C. C. Affirmed. Lotz, J.—I. It is not necessary to give any description of the real estate on which a house is situated in an affidavit charging that the house was kept for imharging that the house was kept for im-

noral purposes.

1894. Anderson vs. Stephens. LaPorte
C. C. Reversed. Gavin, J.—1. A property owner's land runs to the center of the public highway upon the dividing line. 2. A road supervisor is not possesed with the power to remove gravel or soil from within the limits of a public highway for improvements at other places of said highway at some place remote from the owner's land. 1615. Jamison vs. State ex rel. Ebersole. Huntington C. C. Petition for rehearing

Superior Court. Room 1-John L. McMaster, Judge. T. C. Wyrick vs. Lizzie Peachee; ac-

count. Judgment for plaintiff for \$90.
C. F. Doan vs. R. F. Herritt; note. Judgment for plaintiff for \$273.21. ment for plaintiff for \$273.21.
Daniel Foley vs. State of Indiana. Dismissed for want of prosecution.
William Peters et al. vs. State of Indiana. Dismissed for want of prosecution William H. Peters vs. State of Indiana. Dismissed for want of prosecution. Room 2-Hon. H. C. Dailey, Judge pro tem. Marcus L. Hare vs. City of Indianapolis; injunction. Dismissed by agreement. Otto Hatt vs. United States Encaustic Tile Works; suit on contract. Dismissed by Edward P. Thompson et al. vs. City of Indianapolis. Dismissed by plaintiff. Judgment against plaintiff for costs. Criminal Court.

State vs. David Jordan; sodomy. Motion to quash overruled. Evidence heard and taken under advisement. State vs. Frederick Jackson; incorrigible. Found guilty and judgment suspended, owing to defendant being thirteen years of

Frank McCray, Judge.

New Suits Filed. Lula Hull vs. James Hull; divorce. Cruelty

America M. Lawson vs. Arthur Lawson; divorce. Failure to provide and cruelty. Emily Sallee vs. Logan Sallee; divorce. Horace G. Brown vs. Joseph B. Cameron; note. Demand, \$225. Thomas Hulsinger vs. George D. Campbell et al.: mechanic's lien.
Isadore D. Blair, Administrator, vs. Lake Erie & Western; damages. Demand, \$1,900. Rachel J. Dooley vs. James M. Dooley; petition to have defendant declared of unsound mind. George W. Rathsam vs. Emma Rathsam;

orce. Cruelty. New York Story Discredited. The report in the New York Journal that

is said that, on the contrary, Mr. McBride will seek a re-election, and that at any rate there is no boom for Gompers noticeable

WEATHER BUREAU FIGURES.

Maximum and Minimum Temperatures and Observations at 7 P. M. The following table of temperatures is furnished by C. F. R. Wappenhans, local forecast official:

Min. Max. 7 p.m.

Sismarck, N. D. 44 Jairo 4 Cheyenne 3

 Chicago
 38

 Concordia, Kan
 52

 Davenport, Ia
 44

 Des Moines, Ia
 46

 Dodge City, Kan 48 Fort Smith, Ark 40 Minnedosa, Manitoba ... Marquette, Mich Memphis Miles City, Mon New York North Platte, Neb Oklahoma, O. T maha Pittsburg 32
Qu Appelle, N. W. T. 32
Rapid City, S. D. 50
Santa Fe, N M. 42
Salt Lake City. 44 an Antonio, Tex St. Vincent, Minn

Wichita, Kan 50 Thursday's Local Observations. Bar. Ther. R. H. Wind. Weather. Pre. a. m. 30.32 38 63 S'east. Clear. 0.00 p. m. 30.06 56 29 S'east. Clear. 0.00 Maximum temperature, 64: minimum tem-Following is a comparative statement of temperature and precipitation on

eparture from normal..... Departure since Oct. 1..... -45 Local Forecast Official.

Forecast for Friday. WASHINGTON, Oct. 10 .- For Ohio-Generally fair; light local showers at lake stations; warmer; increasing westerly

For Indiana and Illinois-Generally fair; clearing in eastern portions; westerly winds; warmer in extreme southern por-tion, followed by slightly cooler Friday

The Polster Fence.

Charles Poister denies that he tore down the fence built by the city on city property to block Polster's side door. He says he was down town when the fence was torn down. He supposes some of the jubi-lant Democrats up in that part of town wrecked the fence. He would not have done it, he says. The fence, he says, was used as a bill board by Dickson & Talbott, alhough on city property.

The tea and cake sale announced for this week, at the home of Mrs. Syfers, for the benefit of Central Christian Church, has

A good appetite and refreshing sleep at indicate a condition odily health. These are given by Hood's arsaparilla. It makes pure blood and good ealth follows. Hood's Pilis are purely vegetable, harm-ess, effective, do not pain or gripe.

"My food does me no good," you say. Then it does you harm. There is no haliing place between these extremes. Digested food alone gives health and strength. Undigested food sours, or ferments, in the stomach and becomes a poison to the whole body. It causes headache, heart palpitation, liver and kidney trouble, distress after eating, pains in the chest and sides, and the tired, languid, heavy feeling we hear so much about. When the digestion goes wrong every function of the body goes wrong. Yes, and the mind, too. Men fail in business and die poor for no other reason than this-they are weakened, dulled and stupefied by dyspepsia. The lives of a host of women are blighted in the same way. You may be one of this miserable multitude. The writer of these lines was one of your number a short time ago.] tried dozens of things to get cured; just as you have done, no doubt. The thing which at last succeeded with me may succeed with you. It is a discovery of those wise and good people-the Shakers, of Mount Lebanon, N. Y .- called the Shaker Digestive Cordial, It is not a purgative, which at best gives only transient relief. It is in itself a digested food and also a corrector of the digestive function. You can eat and time and will not be enlarged or varied digest your food while taking this cordial. It helps you at once and soon makes the stomach vigorous and healthy. It is not from herbs cultivated by them. They do not ask us to spend a dollar for a bottle while we are in the dark as to its virtues. They take that risk themselves. Almost any druggist will sell you a trial bottle for 10 cents, so you can see whether it is what they say—and adapted to your case. And isn't even the mere chance of a cure worth that much?

CLAIRVOYANT. CLAIRVOYANT - Madame May, clairvoyant. Call at 339 West Market street, near Blackford.

HER LETTER

TELLS A WOMAN'S STORY.

Written for Eyes of Other Women.

[SPECIAL TO OUR LADY BEADERS.] There is inestimable pleasure in doing good to others, and joy in a grateful rec-

ognition of the act.

On the old York Road, Huntington Park, Philadelphia, dwells Miss M Downs, whose portrait we sires that her case may be stated as a

means of bene fiting others. She says: "Ludia E. pound has cure me of Kidney ful menstruations, and head

truly a wonderful medicine. I cannot describe my feelings before I took it. The pain in my back was dreadful, and during menstructions the agony I suffered nearly drove me wild; and then my head would ache for a week, and now this is all over, thanks to your good remedy. I trust my testimonial will lead others to take it and be cured. They can find it at any drug store. Our druggist says the demand for it is very large. it is helping so many sickly women.

FLANNER & BUCHANAI

FUNERAL DIRECTORS.

We have removed to new and commodious quarters erfect privacy and convenience assured. Chapel and Morgue in charge of lady attendant 172 North Illinois Street.

morning at 12:15 a. m., at the residence of her mother, 77 Johnson avenue, age thirty-three years. Funeral Friday afternoon at

SOCIETY MEETINGS. UNION VETERAN LEGION-Regi

day evening, Oct. 11, at which the route to the National Encampment will be se-lected. All comrades or friends intend-ing to go to Buffalo are requested to give their names to the colonel at or beore the next meeting.
B. W. SULLIVAN, Colonel. VM. B. DOWNEY, Adjutant.

LOT-Between corner New York and Delaure streets and Meridian and Was to streets, diamond star breastpin. Re-FINANCIAL.

LOAN-Money on mortgages. C. SAYES, 75 East Market street. FINATUAL-Large loans at 5 per cent on buness property. THOS. C. DAY CO., East Market street. FINANUAL-Mortgage loans. Six-per-cent. bney; reasonable fees. C. S. WAR-BURTN, 26 Lombard Building.

LOANS-ums of \$500 and over.

ty property and farms.

C. E. DFFIN & CO., 90 East Market FINANCII Loans. Five per cent. on large sus on business property; reasonable fees C. S. WARBURTON, 26 Lombard Builng.

MONEY-Tioan on Indiana farms. Low-est rates, with partial payments. Ad-dress C. WILLIAMS & CO., Craw-fordsville, ad. MONEY TO OAN-On farms at the low-est marketate; privileges for payment before due. We also buy municipal bends. THOMAS CDAY & CO., 72 East Market

LOANS—Six F cent. money on improved real estate this city only. (No loans made outside Borrower has the privilege of prepment semi-annually. No delay. Reasoble fees. JOHN S. SPANN & CO., 86 Eas Market.

HELP ANTED-MALE. WANTED-Salesen to take orders and collect. \$50 bot signed by a business firm, required, iclusive territory. \$25 to \$75 weekly. Forarticulars address Postoffice Box 1354, w York City.

WANTED SCELLANEOUS WANTED-Girl fogeneral housework in small family; newashing or ironing. Reference require 1022 North Meridian.

WANTE AGENTS.

WANTED-Experien solicitors for city and State canvass. pom 5, Aetna Block, Pennsylvania street WANTED-Permanen work for active men. Salary, or comission and expenses. Experience unnecessi. Goods thoroughly practical. Pay st System perfect. Address K. S. COMNY, 51 Summer

street, boston, mass

DRESSMANG DRESSMAKING-Com my prices will be \$5 to for wool gown so to \$8 for silks an allor-made and evening gowns, \$3 to \$5 fancy silk and evening waists. All ki, of street and evening wraps cheapenan anywhere else in the city. M. M. ENCER, Styl-

ish Dressmaker, 42 Northlinois street. FOR SALL FOR SALE-Delaware Set residence, outh of Seventh; nice roof bath; steam heat; must be sold; terms sifactory. C. F. SAYLES, 7E. Market.



THE MOELWAINE-RICHARDS CO.,

WROUGHT-IRON PIPE and BOILER

Cas and

Fitte

62 & 64 West Maryland Street